

**FORTY-SECOND DAY**

(Continued)

(Tuesday, April 2, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

**LEAVES OF ABSENCE GRANTED**

(By Unanimous Consent)

The following members were granted leaves of absence:

Mr. McKee for today on account of important business, on motion of Mr. Knetsch.

Mr. Steward for today on account of illness, on motion of Mr. Alexander.

Mr. Newton for today on account of illness, on motion of Mr. Cooper.

**HOUSE BILL NO. 780 ON PAS-  
SAGE TO ENGROSSMENT**

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 780, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1935, and ending August 31, 1937, and for other purposes; and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency";

The bill having heretofore been read second time;

The House having agreed to consider the bill department by department, and having under consideration at this time the section of the bill relating to the State Board of Control.

(Mr. Moffett in the Chair.)

Mr. Reed of Bowie offered the following amendment to this section of the bill:

Amend House Bill No. 780, page 18, line 19, by striking out the figures "\$12,000" and inserting in lieu thereof the figures "\$10,800" in both columns.

Mr. Leonard moved to table the amendment by Mr. Reed of Bowie.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

**Yeas—86**

Adamson	King
Alexander	Lanning
Alsup	Lemens
Bergman	Leonard
Bourne	Lindsey
Bradford	Lucas
Broyles	Mauritz
Burton	McCalla
Butler of Brazos	McFarland
Butler of Karnes	McKinney
Caldwell	Moffett
Calvert	Moore
Clayton	Morris
Colson	Morrison
Cooper	Olsen
Crossley	Palmer
Davis	Payne
Davison of Fisher	Petsch
Dunlap of Hays	Pope
Dunlap of Kleberg	Quinn
Dwyer	Reader
England	Reed of Dallas
Fisher	Roach of Angelina
Ford	Roark
Fuchs	Roberts
Glass	Rogers
Hankamer	Russell
Hanna	Smith
Harris of Archer	Stanfield
Harris of Dallas	Stinson
Head	Stovall
Herzik	Tarwater
Hill	Tennyson
Holland	Thornton
Hoskins	Tillery
Howard	Venable
Hunter	Waggoner
Jackson	Walker
James	Wells
Jones of Runnels	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Young
Keefe	Youngblood

**Nays—24**

Adkins	Hodges
Aikin	Huddleston
Bradbury	Hunt
Cagle	Jones of Falls
Canon	Knetsch
Craddock	Lotief
Fain	Luker
Farmer	McConnell
Fitzwater	Reed of Bowie
Good	Rutta
Gray	Westfall
Hardin	Wood of Harrison

**Absent**

Ash	Celaya
Atchison	Collins
Beck	Colquitt

Cowley	Jefferson
Daniel	Jones of Atascosa
Davisson	Lange
of Eastland	Latham
Dickison	Leath
Dunagan	Morse
Duvall	Nicholson
Fox	Padgett
Frazer	Patterson
Gibson	Riddle
Graves	Roach of Hunt
Greathouse	Scarborough
Hartzog	Settle
Hofheinz	Shofner
Hyder	Spears

Absent—Excused

McKee	Roane
Newton	Steward

Mr. Lucas offered the following amendment to the section of the bill relative to the State Department of Health:

Amend House Bill No. 780, page 23, line 32, by striking out the figures "\$4,000" and insert in lieu thereof the figures "\$3,600."

The amendment was lost.

Mr. Fain offered the following amendment to this section of the bill:

Amend House Bill No. 780, page 23, by inserting between lines 34 and 35 the following: "Milk Education Fund to be spent under the direction and supervision of the Director of Public Health Education for the purpose of advertising the health benefits to be derived from the consumption of pure whole milk and milk products, \$5,000."

On motion of Mr. Leonard, the amendment was tabled.

Mr. McCalla offered the following amendment to this section of the bill:

Amend House Bill No. 780, page 24, line 11, by striking out the figures "\$2,400" and inserting in lieu thereof the following: "\$3,600."

On motion of Mr. Leonard, the amendment was tabled.

Question—Shall House Bill No. 780 pass to engrossment?

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 2, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 385, A bill to be entitled "An Act prohibiting the hunting, trapping, ensnaring, or killing of any wild deer, buck, doe, fawn, or wild turkey within the limits of the County of Bastrop, State of Texas, for a period of five years from and after the passage of this Act, and providing a penalty therefor." (With amendments.)

H. B. No. 692, A bill to be entitled "An Act declaring it to be unlawful to sell, barter, or exchange minnows in any county in the State of Texas outside of the county or counties wherein such minnows are caught, seined, or taken; providing a penalty, and declaring an emergency." (With amendments.)

H. B. No. 423, A bill to be entitled "An Act amending House Bill No. 68, Chapter 19, page 29, Acts of the Fourth Called Session, Forty-first Legislature, 1930, providing an open season or a period of time when it shall be lawful to hunt, take, or kill wild mourning doves in the North and South Zones with a special provision relating to the open season in Robertson County, Texas, as such zones are defined in Article 878 of the Revised Penal Code, as amended by Chapter 222, page 326, Acts of the Fortieth Legislature, Regular Session." (With amendments.)

H. B. No. 475, A bill to be entitled "An Act providing for the payment of the salary of ex-officio superintendent of public instruction in all counties having not less than four thousand nine hundred and nineteen (4,919) and not more than four thousand nine hundred and twenty (4,920) population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency." (With amendments.)

The Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 763. The following have been appointed on the part of the Senate: Senators Poage, Beck, Hill, Oneal, and Blackert.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

(Speaker in the Chair.)

# SENATE JOINT RESOLUTION NO. 3 ON SECOND READING

The Speaker laid before the House, on its second reading,

S. J. R. No. 3, Proposing an amendment to Article XVI of the Constitution of the State of Texas by striking out Section 20-a to Section 20-e, both inclusive; providing for a local option on the question of the sale of intoxicating liquors for beverage purposes; vesting in the Legislature the power to regulate the manufacture, sale, and traffic in intoxicating liquors.

The resolution was read second time.

Mr. Morse offered the following committee amendment to the resolution:

Amend Senate Joint Resolution No. 3 by striking out all below the resolving clause and inserting in lieu thereof the following:

"Section 1. That Article XVI of the Constitution of Texas be amended by striking out Section 20-a to Section 20-e, both inclusive, and substitute in lieu thereof the following:

"Article XVI, Section 20.

"(a) The Legislature shall have the power to regulate the manufacture, sale, transportation, and possession of intoxicating liquors in the State of Texas, which shall include the right upon the part of the State to establish a State-owned monopoly system and prohibit the sale of intoxicating liquor for private profit.

"(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct or incorporated town or city, may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited within the prescribed limits; and such laws shall contain provisions for voting on the sale of intoxicating liquors of various types and various alcoholic content.

"(c) In all counties, justices' precincts or incorporated towns or cities, wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the State of Texas and in force at the time of the taking effect of Section 20, Article XVI, of the Constitution of Texas, it shall continue to be unlawful to manufacture, sell, barter or exchange in any such coun-

ty, justice's precinct or incorporated town or city, any spirituous, vinous, or malt liquors or medical bitters capable of producing intoxication or any other intoxicants whatsoever, for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof voting in an election held for such purpose shall determine such to be lawful. Provided, that this subsection shall not prohibit the sale of alcoholic beverages containing not more than 3.2 per cent alcohol by weight in cities, counties, or political subdivisions thereof in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session of the Forty-third Legislature.'

"Sec. 2. Such proposed constitutional amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas, on the fourth Saturday in August, 1935, at which election all voters favoring said proposed amendment shall write, or have printed, on their ballots the words:

"For the amendment to the State Constitution repealing State-wide prohibition and providing for local option.'

"And those voters opposed to said proposed amendment shall write, or have printed, on their ballots the words:

"Against the amendment to the State Constitution repealing State-wide prohibition and providing for local option.'

"If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution.

"Sec. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State.

"Sec. 4. The sum of four thousand dollars (\$4,000), or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the expenses of said publication and election."

Mr. Petsch offered the following substitute for the committee amendment:

Substitute for committee amendment to Senate Joint Resolution No. 3 by striking out all below the resolving clause and inserting the following:

"Section 1. That Article XVI of the Constitution of the State of Texas be amended by striking out Section 20-a to Section 20-e, both inclusive, and substituting in lieu thereof the following:

"Article XVI, Section 20.

"(a) It is hereby declared to be the policy of this State that the open saloon shall not be re-established. The sale of spirituous liquors, manufactured in whole or in part by means of the process of distillation and/or liquors compounded and/or composed in part of such spirituous distilled liquors, for private profit, is prohibited within this State excepting when such sale is made to the State. The State of Texas shall have the exclusive right to sell at retail and shall purchase at wholesale and distribute, and sell such distilled spirituous liquors only in unbroken packages. The Legislature shall pass laws to prescribe regulations relative to the manufacture, sale, and possession of such spirituous liquors and relative to the establishment of State dispensaries. The sale of all liquors, the alcoholic content of which is entirely and exclusively the result of the fermentation process is hereby authorized under such restrictions as may be authorized by law.

"(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct or incorporated town or city, or such subdivision of a county as may be designated by the commissioners court of said county, may, by a majority vote of those voting, determine from time to time, whether the sale of such liquors for beverage purposes shall be prohibited within the prescribed limits; and such laws shall contain provisions for voting on the sale of such liquors of various types and various alcoholic content.

"(c) In all counties in the State of Texas and in all political subdivisions thereof wherein the sale of such liquors has been prohibited by local option elections held under the laws of the State of Texas and in force at the time of taking effect of Section 20, Article XVI, of the Constitution, it shall continue to be unlawful to

manufacture, sell, barter, or exchange in any such county or in such political subdivision thereof, any such spirituous, vinous, or malt liquors, or any other intoxicants whatsoever for beverage purposes unless and until a majority of the qualified voters in such county or political subdivision thereof, voting in an election held for such purpose, shall determine such to be lawful.'

"Sec. 2. Such proposed constitutional amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas, on August 24, 1935, at which election all voters favoring said proposed amendment shall write, or have printed, on their ballots the words:

"For the amendment to the State Constitution permitting the sale of alcoholic beverages, and providing for local option.'

"And those voters opposed to said proposed amendment shall write, or have printed, on their ballots the words:

"Against the amendment to the State Constitution permitting the sale of alcoholic beverages, and providing for local option.'

"If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution.

"Sec. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State.

"Sec. 4. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the expense of said publication and election."

Signed—Petsch, Jones of Atascosa, Jones of Runnels, Gibson, Youngblood, Cagle, Knetsch, Roach of Angelina, Moffett, Tarwater, Jones of Wise, Jones of Shelby, Lindsey, Wood of Harrison.

(Pending consideration of the substitute amendment, Mr. Aikin occupied the Chair, temporarily.)

(Speaker in the Chair.)

Question—Shall the substitute amendment by Mr. Petsch be adopted?

## NOTICE GIVEN

Mr. Reader gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 5, which bill was heretofore laid on the table subject to call.

## RECESS

On motion of Mr. Moffett, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

SENATE JOINT RESOLUTION NO.  
3 ON SECOND READING

The House resumed consideration of pending business, same being

S. J. R. No. 3, Providing for local option on the question of sale of intoxicating liquors;

The resolution having heretofore been read second time, with committee amendment, and substitute amendment by Mr. Petsch for the committee amendment, pending.

(Mr. Wells in the Chair.)

Mr. Alsup moved the previous question on the pending amendment by Mr. Petsch, and the main question was ordered.

Mr. Pope moved to reconsider the vote by which the main question was ordered on the amendment by Mr. Petsch.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider was lost by the following vote:

Yeas—58

Aikin	Davison of Fisher
Ash	Dwyer
Bourne	England
Broyles	Fain
Butler of Karnes	Farmer
Caldwell	Fitzwater
Canon	Fox
Celaya	Fuchs
Collins	Glass
Crossley	Graves
Daniel	Gray

Greathouse  
Hankamer  
Hardin  
Harris of Archer  
Harris of Dallas  
Head  
Hill  
Hoskins  
Huddleston  
Hyder  
James  
Leath  
Lotief  
Mauritz  
McCalla  
McConnell  
Moffett  
Morris

Morrison  
Morse  
Olsen  
Padgett  
Petsch  
Pope  
Reed of Bowie  
Reed of Dallas  
Roach of Hunt  
Roberts  
Russell  
Rutta  
Stanfield  
Thornton  
Tillery  
Wood of Harrison  
Young  
Youngblood

Nays—70

Adamson  
Adkins  
Alsup  
Atchison  
Beck  
Bergman  
Bradbury  
Bradford  
Burton  
Butler of Brazos  
Cagle  
Calvert  
Clayton  
Colquitt  
Cooper  
Cowley  
Craddock  
Davisson  
of Eastland  
Dunagan  
Dunlap of Hays  
Duvall  
Fisher  
Frazer  
Gibson  
Good  
Hanna  
Hartzog  
Herzik  
Hodges  
Hofheinz  
Holland  
Howard  
Hunt  
Jackson  
Jones of Atascosa

Jones of Falls  
Jones of Runnels  
Keefe  
King  
Knetsch  
Lange  
Lanning  
Lemens  
Lindsey  
Lucas  
Luker  
McFarland  
McKinney  
Moore  
Nicholson  
Palmer  
Payne  
Quinn  
Reader  
Roach of Angelina  
Roane  
Roark  
Rogers  
Scarborough  
Settle  
Smith  
Spears  
Stinson  
Tennyson  
Venable  
Waggoner  
Walker  
Westfall  
Wood of Montague  
Worley

Present—Not Voting

Wells

Absent

Alexander	Ford
Colson	Hunter
Davis	Jefferson
Dickison	Jones of Shelby
Dunlap of Kleberg	Jones of Wise

Latham  
Leonard  
Patterson  
Riddle

Shofner  
Stovall  
Tarwater

Absent—Excused

McKee  
Newton

Steward

(Speaker in the Chair.)

Question recurring on the substitute amendment by Mr. Petsch, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

Yeas, 76; nays, 72.

A verification of the vote was called for.

The roll of the "yeas" and "nays" was then called, and the verified vote resulted as follows:

Yeas—76

Adamson	Keefe
Adkins	Knetsch
Aikin	Lange
Alsup	Lanning
Atchison	Latham
Beck	Leath
Bradbury	Lemens
Broyles	Lindsey
Cagle	Luker
Canon	Mauritz
Cooper	McConnell
Cowley	McFarland
Craddock	Moffett
Daniel	Morris
Davis	Morrison
Davison of Fisher	Palmer
Davisson	Petsch
of Eastland	Quinn
England	Reed of Bowie
Fain	Reed of Dallas
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Fox	Roark
Gibson	Scarborough
Glass	Settle
Good	Stovall
Graves	Tarwater
Gray	Tennyson
Harris of Archer	Thornton
Head	Tillery
Hodges	Venable
Huddleston	Waggoner
Hunt	Wells
Hunter	Westfall
Jones of Atascosa	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Runnels	Worley
Jones of Shelby	Youngblood
Jones of Wise	

Nays—68

Alexander	Holland
Ash	Hoskins
Bergman	Howard
Bourne	Hyder
Bradford	Jackson
Burton	James
Butler of Brazos	Jefferson
Butler of Karnes	King
Caldwell	Leonard
Celaya	Lotief
Clayton	Lucas
Collins	McCalla
Colquitt	McKinney
Colson	Moore
Crossley	Morse
Dickison	Nicholson
Dunagan	Olsen
Dunlap of Hays	Padgett
Dunlap of Kleberg	Patterson
Duvall	Pope
Dwyer	Reader
Fitzwater	Riddle
Ford	Roane
Frazer	Roberts
Fuchs	Rogers
Greathouse	Russell
Hankamer	Rutta
Hanna	Shofner
Hardin	Smith
Harris of Dallas	Spears
Hartzog	Stanfield
Herzik	Stinson
Hill	Walker
Hofheinz	Young

Present—Not Voting

Calvert

Absent

Payne

Absent—Excused

McKee  
Newton

Steward

Paired

Mr. Calvert (present), who would vote "nay," with Mr. Steward (absent), who would vote "yea."

The Speaker announced that the substitute amendment was adopted.

Mr. Petsch moved to reconsider the vote by which the substitute amendment was adopted, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

Yeas, 73; nays, 75.

Mr. Petsch called for a verification of the vote.

The roll of the "yeas" and "nays" was then called, and the verified vote resulted as follows:

## Yeas—73

Adkins	Jones of Shelby
Aikin	Jones of Wise
Alsup	Keefe
Atchison	Knetsch
Beck	Lange
Bradbury	Lanning
Bradford	Latham
Broyles	Leath
Cagle	Lemens
Calvert	Leonard
Canon	Lindsey
Cooper	Luker
Cowley	Mauritz
Craddock	McConnell
Daniel	McFarland
Davis	Moffett
Davison of Fisher	Morris
Davisson	Morrison
of Eastland	Palmer
England	Petsch
Fain	Quinn
Farmer	Reed of Bowie
Fisher	Roach of Angelina
Fox	Roach of Hunt
Gibson	Roark
Glass	Settle
Graves	Stovall
Gray	Tarwater
Harris of Archer	Tennyson
Head	Tillery
Hodges	Venable
Huddleston	Wells
Hunt	Westfall
Hunter	Wood of Harrison
Jones of Atascosa	Wood of Montague
Jones of Falls	Worley
Jones of Runnels	Youngblood

## Nays—71

Adamson	Ford
Alexander	Frazer
Ash	Fuchs
Bergman	Good
Bourne	Greathouse
Burton	Hankamer
Butler of Brazos	Hanna
Butler of Karnes	Hardin
Caldwell	Harris of Dallas
Celaya	Hartzog
Clayton	Herzik
Collins	Hill
Colquitt	Hofheinz
Colson	Holland
Crossley	Hoskins
Dickison	Howard
Dunagan	Hyder
Dunlap of Hays	Jackson
Dunlap of Kleberg	James
Duvall	Jefferson
Dwyer	King
Fitzwater	Lotief

Lucas	Roane
McCalla	Roberts
McKinney	Rogers
Moore	Russell
Morse	Rutta
Nicholson	Scarborough
Olsen	Shofner
Padgett	Smith
Patterson	Spears
Payne	Stanfield
Pope	Stinson
Reader	Walker
Reed of Dallas	Young
Riddle	

## Absent

Thornton	Waggoner
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## Absent—Excused

McKee	Steward
Newton	

The Speaker announced that the motion to table prevailed.

## Reason for Vote

In case the people of Texas adopt a repeal amendment, I am in favor of first trying a State monopoly plan. I doubt the wisdom of placing any one plan in the Constitution. The State might see fit to try several plans in order to determine the best way to control and regulate liquors.

## HYDER.

Mr. Farmer offered the following amendment to the amendment by Mr. Petsch:

Amend Petsch amendment to Senate Joint Resolution No. 3 as follows: Strike out, in line 25 of Subsection (b), the words: "and various alcoholic content."

The amendment was lost.

Mr. Farmer offered the following amendment to the amendment by Mr. Petsch:

Amend Petsch amendment to Senate Joint Resolution No. 3 as follows: Insert after the word "Constitution," in line 4 of Subsection (c), these words and figures: "on May 24, 1919."

(Mr. Leonard in the Chair.)

Question recurring on the amendment by Mr. Farmer, it was lost.

Mr. Pope offered the following amendment to the amendment by Mr. Petsch:

Amend amendment to Senate Joint Resolution No. 3 by striking out Sub-

division (a), Section 1, and insert the following:

"(a) The Legislature shall have the power to regulate the manufacture, sale, transportation, and possession of intoxicating liquors in the State of Texas, which shall include the right upon the part of the State to establish a State-owned monopoly system and prohibit the sale of intoxicating liquor for private profit. Provided, the Legislature shall never authorize the re-establishment of the open saloon. The term 'open saloon' as herein used shall mean 'any place where intoxicating liquors are dispensed as the main business of any establishment'."

POPE,  
MORSE,  
DUVALL.

Question—Shall the amendment by Mr. Pope be adopted?

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 47, A bill to be entitled "An Act amending Article 4894 of the Revised Civil Statutes of 1925, so as to prohibit the reinsuring of the liability of a company not licensed to transact business in the State of Texas by a company licensed to transact business in the State of Texas, and declaring an emergency."

S. B. No. 126, A bill to be entitled "An Act to amend Article 1006, Code of Criminal Procedure of Texas, 1925, providing for the compensation of an officer or person executing a fugitive warrant beyond the limits of the State of Texas; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 206, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to accept, approve and file corrected field notes to any survey of land in Swisher County where said corrected field notes are made by a duly authorized official land surveyor and based upon the 'Hutchison Iron Pipe Survey,' etc., and declaring an emergency."

S. B. No. 248, A bill to be entitled "An Act creating the Special Ninth

District Court of Montgomery County, Waller County, Polk County, and San Jacinto County, Texas; prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, and declaring an emergency."

S. B. No. 326, A bill to be entitled "An Act amending Subdivision (b) of Section 11 of Chapter 116, Acts of the Forty-third Legislature, Regular Session, and declaring an emergency."

S. B. No. 341, A bill to be entitled "An Act providing that investigators appointed by district attorneys and criminal district attorneys shall have the same authority as sheriffs to make arrests in the county where appointed; providing that such investigators shall have authority to serve warrants, capiases, subpoenas, and all other processes in criminal cases issued by any district court, county court, or justice court in the State; providing that such investigators shall be under the sole authority and direction of said district attorneys and criminal district attorneys; providing that such investigators shall not draw fees for performing such duties, and declaring an emergency."

S. B. No. 143, A bill to be entitled "An Act prohibiting any owner or person having control of any horse, mule, donkey, cow, bull, steer, hog, sheep, goat, or any other live stock from permitting or allowing the same to traverse or roam at large upon the right of way of any designated State highway of this State, and declaring an emergency."

S. B. No. 167, A bill to be entitled "An Act amending Article 3780 of the Revised Civil Statutes of 1925; providing that where the execution requires that the judgment shall be made out of the property of the debtor, it may be issued in the first instance as well as subsequently to any county in the State, and declaring an emergency."

S. B. No. 169, A bill to be entitled "An Act amending Subdivision 36 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of 1925, and amending Articles 1495 and 1496 of Title 32, Chapter 15, of the Revised Civil Statutes of 1925, so



as to add, after the words 'mineral solutions' in each of said articles, the words 'and liquefied minerals,' and amending Article 1505 of Title 32, Chapter 15, of the Revised Civil Statutes of 1925, so as to add, after the word 'salt' in such article, the words 'mineral solutions and liquefied minerals,' and declaring an emergency."

S. B. No. 178, A bill to be entitled "An Act supplementing and adding to Article 2700, Chapter 11, Revised Civil Statutes, 1925, certain provisions so as to provide for the election of the county superintendent of Dallas County."

S. B. No. 260, A bill to be entitled "An Act providing that the District Attorney of the Seventh Judicial District shall receive the same per diem for not to exceed sixty days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature, as he receives now under the provisions of said Acts; providing for additional allowance for expenses of said district attorney; making an appropriation, and declaring an emergency."

S. B. No. 264, A bill to be entitled "An Act amending Section 7 of Chapter 98 of the Acts of the First Called Session, Forty-third Legislature, so as to provide for paying by lienholders to the person paying such taxes, the taxes, costs and interest and receiving transfer to himself of the tax lien, and declaring an emergency."

S. B. No. 274, A bill to be entitled "An Act authorizing the State Board of Education to establish independent school districts upon any military reservations located within the State of Texas upon such terms and conditions which may be agreed upon by the State Board of Education and the military authorities, and declaring an emergency."

S. B. No. 358, A bill to be entitled "An Act amending Article 4891 of the Revised Civil Statutes of 1925, as amended by the Acts of the First Called Session of the Forty-first Legislature, Chapter 37, page 84, so as to provide for the use of coinsurance clauses in windstorm, tornado or hail insurance without limitation or re-

striction except such as may be approved by the Board of Insurance Commissioners."

S. B. No. 396, A bill to be entitled "An Act amending Chapter 204 of the Acts of the Regular Session, Forty-first Legislature, by adding to said Act another section to be known as Section 6-a, making it unlawful for any person, association or corporation to charge or receive compensation for the placement of a child under fifteen (15) years of age; defining certain exemptions; and providing for the enjoining of such person, association, or corporation in a suit brought by the Attorney General, district or county attorney of any county in which said act or acts may occur, and declaring an emergency."

S. B. No. 407, A bill to be entitled "An Act limiting the time within which ad valorem taxes may be collected by the State, any county, municipality, or other defined subdivision, and declaring an emergency."

S. B. No. 455, A bill to be entitled "An Act giving authority to the Fitzpatrick Construction Company to sue the State Highway Department of Texas, and the State of Texas, in an amount not to exceed four thousand six hundred thirty-five dollars and eleven cents (\$4,635.11) for an alleged breach of contract by said department, etc., and declaring an emergency."

S. B. No. 459, A bill to be entitled "An Act to amend Subdivision 64 of Article 199 of Title 8 of the Revised Civil Statutes of the State of Texas, 1925, to change and prescribe the terms and time of holding District Courts of the Sixty-fourth Judicial District of the State, composed of Hale, Lamb, Swisher, Castro, and Bailey Counties, etc., and declaring an emergency."

S. B. No. 462, A bill to be entitled "An Act providing that it shall be unlawful for any person, firm or corporation to sell or to offer for sale, within the State of Texas any goods, wares, and/or merchandise manufactured wholly or in part by convicts or prisoners in penal and/or reformatory institutions except convicts or prisoners on parole or probation; pro-

viding exemptions and providing penalties, and declaring an emergency."

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

# HOUSE BILL NO. 475 WITH SENATE AMENDMENTS

Mr. Dunlap of Kleberg called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 475, A bill to be entitled "An Act providing for payment of the salary of ex-officio superintendent of public instruction in all counties having not less than four thousand nine hundred and nineteen (4,919) and not more than four thousand nine hundred and twenty (4,920) population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Dunlap of Kleberg, the House concurred in the Senate amendments by the following vote:

Yeas—136

Adamson	Davis
Aikin	Davison of Fisher
Alexander	Davisson
Alsup	of Eastland
Ash	Dickison
Atchison	Dunagan
Beck	Dunlap of Hays
Bergman	Dunlap of Kleberg
Bourne	Dwyer
Bradbury	England
Bradford	Fain
Broyles	Farmer
Burton	Fisher
Butler of Brazos	Fitzwater
Butler of Karnes	Ford
Cagle	Fox
Caldwell	Frazer
Calvert	Fuchs
Canon	Gibson
Celaya	Glass
Clayton	Good
Collins	Graves
Colquitt	Greathouse
Colson	Hankamer
Cooper	Hanna
Cowley	Hardin
Craddock	Harris of Archer
Crossley	Harris of Dallas
Daniel	Hartzog

Head	Padgett
Hill	Palmer
Hodges	Patterson
Hofheinz	Payne
Holland	Petsch
Hoskins	Pope
Howard	Quinn
Huddleston	Reader
Hunt	Reed of Bowie
Hunter	Reed of Dallas
Hyder	Riddle
Jackson	Roach of Angelina
James	Roach of Hunt
Jefferson	Roark
Jones of Atascosa	Roberts
Jones of Falls	Russell
Jones of Runnels	Rutta
Jones of Shelby	Scarborough
Jones of Wise	Settle
Keefe	Shofner
King	Smith
Knetsch	Spears
Lanning	Stanfield
Leath	Stinson
Lemens	Stovall
Leonard	Tarwater
Lotief	Tennyson
Lucas	Thornton
Mauritz	Tillery
McCalla	Venable
McConnell	Waggoner
McFarland	Walker
McKinney	Wells
Moffett	Westfall
Moore	Wood of Harrison
Morris	Wood of Montague
Morrison	Worley
Morse	Young
Nicholson	Youngblood
Olsen	

## Present—Not Voting

Lindsey	Roane
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## Absent

Adkins	Lange
Duvall	Latham
Gray	Luker
Herzik	Rogers

## Absent—Excused

McKee	Steward
Newton	

# HOUSE BILL NO. 423 WITH SENATE AMENDMENTS

Mr. Frazer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 423, A bill to be entitled "An Act amending House Bill No. 68, Chapter 19, page 29, Acts of the Fourth Called Session, Forty-first

Legislature, 1930, providing an open season or a period of time when it shall be lawful to hunt, take, or kill wild mourning doves in the North and South Zones with a special provision relating to the open season in Robertson County, Texas, as such zones are defined in Article 878 of the Revised Penal Code, as amended by Chapter 222, page 326, Acts of the Fortieth Legislature, Regular Session, and repealing any provisions of the law in conflict with this Act, making it unlawful to hunt, take, or kill wild mourning doves at any other time of the year; providing a penalty, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Frazer, the House concurred in the Senate amendments by the following vote:

## Yeas—130

Adamson	Ford
Aikin	Fox
Alexander	Frazer
Alsup	Gibson
Ash	Glass
Atchison	Good
Beck	Graves
Bergman	Greathouse
Bourne	Hanna
Bradbury	Hardin
Bradford	Harris of Archer
Broyles	Harris of Dallas
Burton	Hartzog
Butler of Brazos	Herzik
Butler of Karnes	Hill
Cagle	Hodges
Caldwell	Hofheinz
Calvert	Holland
Canon	Hoskins
Celaya	Howard
Clayton	Huddleston
Collins	Hunt
Colquitt	Hyder
Colson	Jackson
Cooper	James
Craddock	Jefferson
Crossley	Jones of Atascosa
Daniel	Jones of Falls
Davis	Jones of Runnels
Davison of Fisher	Jones of Shelby
Davisson	Jones of Wise
of Eastland	Keefe
Dickison	King
Dunagan	Knetsch
Dunlap of Hays	Lanning
Dwyer	Latham
England	Leath
Fain	Lemens
Farmer	Leonard
Fisher	Lotief
Fitzwater	Lucas

Mauritz	Roberts
McCalla	Rogers
McConnell	Russell
McFarland	Rutta
McKinney	Scarborough
Moffett	Settle
Moore	Shofner
Morris	Smith
Morrison	Spears
Morse	Stanfield
Olsen	Stovall
Padgett	Tarwater
Palmer	Tennyson
Patterson	Thornton
Payne	Tillery
Petsch	Venable
Pope	Waggoner
Quinn	Walker
Reader	Wells
Reed of Bowie	Westfall
Reed of Dallas	Wood of Harrison
Riddle	Wood of Montague
Roach of Angelina	Worley
Roach of Hunt	Youngblood
Roark	

## Present—Not Voting

Lindsey

## Absent

Adkins	Hunter
Cowley	Lange
Dunlap of Kleberg	Luker
Duvall	Nicholson
Fuchs	Roane
Gray	Stinson
Hankamer	Young
Head	

## Absent—Excused

McKee  
Newton

Steward

## HOUSE BILL NO. 692 WITH SENATE AMENDMENTS

Mr. Adkins called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 692, A bill to be entitled "An Act declaring it to be unlawful to sell, barter, or exchange minnows in any county in the State of Texas outside of the county or counties wherein such minnows are caught, seined, or taken; providing a penalty, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Adkins, the House concurred in the Senate amendments by the following vote:

## Yeas—128

Adamson	Aikin
Adkins	Alexander

Alsup	Jackson
Ash	James
Atchison	Jefferson
Beck	Jones of Atascosa
Bergman	Jones of Falls
Bourne	Jones of Runnels
Bradbury	Jones of Shelby
Bradford	Jones of Wise
Broyles	Keefe
Burton	King
Butler of Brazos	Lanning
Butler of Karnes	Latham
Cagle	Leath
Caldwell	Lemens
Calvert	Leonard
Canon	Lotief
Celaya	Lucas
Clayton	Mauritz
Collins	McCalla
Colquitt	McConnell
Colson	McFarland
Cooper	McKinney
Cowley	Moffett
Craddock	Moore
Crossley	Morris
Daniel	Morse
Davis	Olsen
Davisson	Padgett
of Eastland	Palmer
Dickison	Patterson
Dunagan	Payne
Dunlap of Kleberg	Petsch
Dwyer	Pope
England	Quinn
Fain	Reader
Farmer	Reed of Bowie
Fisher	Reed of Dallas
Fitzwater	Riddle
Ford	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roark
Fuchs	Roberts
Gibson	Rutta
Glass	Scarborough
Good	Settle
Graves	Shofner
Greathouse	Spears
Hankamer	Stanfield
Hanna	Stovall
Hardin	Tarwater
Harris of Archer	Tennyson
Harris of Dallas	Thornton
Hartzog	Tillery
Herzik	Venable
Hill	Waggoner
Hodges	Walker
Hofheinz	Wells
Holland	Westfall
Hoskins	Wood of Harrison
Howard	Wood of Montague
Huddleston	Worley
Hunt	Youngblood
Hyder	

Present—Not Voting

Lindsey                      Roane

Absent

Davison of Fisher	Luker
Dunlap of Hays	Morrison
Duvall	Nicholson
Gray	Rogers
Head	Russell
Hunter	Smith
Knetsch	Stinson
Lange	Young

Absent—Excused

McKee	Steward
Newton	

## HOUSE BILL NO. 751 ON SECOND READING

(By Unanimous Consent)

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 751, A bill to be entitled "An Act reappropriating the unexpended balance of the appropriation made for contingent expenses of the Third Called Session of the Forty-third Legislature for the purpose of paying contingent expenses of the Fourth Called Session of the Forty-third Legislature and supplementing the appropriation made for that purpose, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 751 ON THIRD READING

Mr. Clayton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 751 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—134

Adamson	Butler of Brazos
Adkins	Butler of Karnes
Aikin	Cagle
Alexander	Caldwell
Alsup	Canon
Ash	Celaya
Atchison	Calvert
Beck	Collins
Bergman	Colquitt
Bourne	Colson
Bradbury	Cooper
Bradford	Cowley
Broyles	Craddock
Burton	Crossley

Davis	Lemens
Davison of Fisher	Leonard
Davisson	Lindsey
of Eastland	Lotief
Dickison	Lucas
Dunagan	Mauritz
Dunlap of Hays	McCalla
Dunlap of Kleberg	McConnell
Duvall	McFarland
Dwyer	McKinney
England	Moffett
Fain	Moore
Farmer	Morris
Fisher	Morrison
Fitzwater	Morse
Ford	Olsen
Fox	Padgett
Frazer	Palmer
Fuchs	Patterson
Gibson	Payne
Glass	Petsch
Good	Pope
Graves	Quinn
Greathouse	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roark
Hartzog	Roberts
Herzik	Rogers
Hill	Russell
Hodges	Rutta
Hofheinz	Scarborough
Holland	Settle
Hoskins	Shofner
Howard	Smith
Huddleston	Spears
Hunt	Stanfield
Hyder	Stovall
Jackson	Tarwater
James	Tennyson
Jefferson	Thornton
Jones of Atascosa	Tillery
Jones of Falls	Venable
Jones of Runnels	Waggoner
Jones of Shelby	Walker
Jones of Wise	Wells
Keefe	Westfall
King	Wood of Harrison
Knetsch	Wood of Montague
Lanning	Worley
Latham	Youngblood
Leath	

## Nays—1

Daniel

## Present—Not Voting

Roane

## Absent

Clayton	Luker
Gray	Nicholson
Head	Riddle
Hunter	Stinson
Lange	Young

## Absent—Excused

McKee  
Newton

Steward

The Chair then laid House Bill No. 751 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—130

Adamson	Harris of Dallas
Adkins	Hartzog
Aikin	Herzik
Alexander	Hill
Alsup	Hodges
Ash	Hofheinz
Atchison	Holland
Beck	Hoskins
Bergman	Howard
Bourne	Huddleston
Bradbury	Hunt
Bradford	Hyder
Broyles	Jackson
Burton	James
Butler of Brazos	Jones of Atascosa
Butler of Karnes	Jones of Falls
Cagle	Jones of Runnels
Caldwell	Jones of Shelby
Calvert	Jones of Wise
Canon	Keefe
Celaya	King
Clayton	Knetsch
Collins	Lanning
Colquitt	Latham
Colson	Leath
Cooper	Lemens
Cowley	Leonard
Craddock	Lindsey
Crossley	Lotief
Davis	Lucas
Davison of Fisher	Mauritz
Davisson	McCalla
of Eastland	McConnell
Dickison	McFarland
Dunagan	McKinney
Dunlap of Hays	Moffett
Dunlap of Kleberg	Moore
England	Morris
Fain	Morrison
Farmer	Morse
Fisher	Olsen
Fitzwater	Padgett
Ford	Palmer
Fox	Patterson
Frazer	Petsch
Fuchs	Quinn
Gibson	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Graves	Riddle
Greathouse	Roach of Angelina
Hankamer	Roach of Hunt
Hanna	Roark
Harris of Archer	Roberts

Rogers	Tillery
Russell	Venable
Rutta	Waggoner
Scarborough	Walker
Settle	Wells
Smith	Westfall
Spears	Wood of Harrison
Stanfield	Wood of Montague
Stovall	Worley
Tarwater	Young
Tennyson	Youngblood
Thornton	

Nays—1

Daniel

Present—Not Voting

Hardin

Shofner

Absent

Duvall	Luker
Dwyer	Nicholson
Gray	Payne
Head	Pope
Hunter	Roane
Jefferson	Stinson
Lange	

Absent—Excused

McKee  
Newton

Steward

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 47, to the Committee on Insurance.

Senate Bill No. 126, to the Committee on Criminal Jurisprudence.

Senate Bill No. 143, to the Committee on Highways and Motor Traffic.

Senate Bill No. 167, to the Committee on Judiciary.

Senate Bill No. 169, to the Committee on Judiciary.

Senate Bill No. 178, to the Committee on Education.

Senate Bill No. 206, to the Committee on Public Lands and Buildings.

Senate Bill No. 248, to the Committee on Judicial Districts.

Senate Bill No. 260, to the Committee on Judicial Districts.

Senate Bill No. 264, to the Committee on Judiciary.

Senate Bill No. 274, to the Committee on Education.

Senate Bill No. 326, to the Committee on Judiciary.

Senate Bill No. 341, to the Committee on Criminal Jurisprudence.

Senate Bill No. 358, to the Committee on Insurance.

Senate Bill No. 396, to the Committee on Labor.

Senate Bill No. 407, to the Committee on Revenue and Taxation.

Senate Bill No. 455, to the Committee on State Affairs.

Senate Bill No. 459, to the Committee on Judicial Districts.

Senate Bill No. 462, to the Committee on Labor.

#### BILL LAID ON THE TABLE SUBJECT TO CALL

On motion of Mr. Pope, House Bill No. 439 was laid on the table subject to call.

Mr. Pope gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 439, which bill was heretofore laid on the table subject to call.

#### HOUSE BILL ON FIRST READING

The following House bill, introduced today by unanimous consent, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Beck:

H. B. No. 906, A bill to be entitled "An Act authorizing F. J. Akin, J. F. Rochelle, and the Texarkana National Bank, a corporation, to sue the State of Texas to recover the amount due, or that may be found to be due, upon Comptroller's Deficiency Certificate No. 2417, for the sum of \$264, issued to J. F. Akin of date August 28, 1930, fixing the venue of such suit, providing for the issuance of service of process therein, and declaring an emergency."

Referred to Committee on State Affairs.

#### RECESS

Mr. Jones of Wise moved that the House adjourn until 9:30 o'clock a. m., Wednesday, April 3.

Mr. Davison of Fisher moved that the House recess to 10 o'clock a. m., tomorrow.

Mr. Worley moved that the House recess to 9:30 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Worley, it prevailed, and the House, accordingly, at 5:20 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

## APPENDIX

### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Agriculture: Senate Concurrent Resolution No. 22, and House Concurrent Resolution No. 65.

Congressional and Legislative Districts: House Bill No. 836.

Criminal Jurisprudence: House Bills Nos. 872 and 875.

Eleemosynary and Reformatory Institutions: House Bills Nos. 570 and 869.

Municipal and Private Corporations: House Bills Nos. 797, 857, and 894.

Revenue and Taxation: House Bills Nos. 703 and 785.

State Affairs: Senate Bill No. 97.

The Committee on Public Health filed an adverse report on House Bill No. 640.

### REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, March 29, 1935.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 781, A bill to be entitled "An Act making appropriations to pay the salaries and wages of officers and employes of the eleemosynary institutions of the State and the Alabama and Coushatti Indians and for other expenses of maintaining and operating them for the two (2) fiscal years beginning September 1, 1935, and ending August 31, 1937, as follows, to wit: Abilene State Hospital; Alabama and Coushatti Indians; Austin State Hospital; Austin State School; Colored Orphans Home, Gilmer; Confederate Home; Confederate Woman's Home; Deaf, Dumb, and Blind Institute for Colored Youths;

Girls' Training School; Home of Dependent and Neglected Children; State Hospital for Crippled and Deformed Children, at Galveston; State Juvenile Training School; State Orphans Home; Rusk State Hospital; San Antonio State Hospital; Galveston State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Texas School for the Blind at Austin; Texas School for the Deaf at Austin, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

### FORTY-SECOND DAY

(Continued)

(Wednesday, April 3, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, by unanimous consent, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Thornton and Mr. Jones of Wise:

H. B. No. 907, A bill to be entitled "An Act amending Article 637 of the Penal Code of Texas (1925), by adding thereto another section, to be known as Section 2, which provides that if upon a hearing the justice of the peace, county judge, or district judge before whom the cause is pending finds that the property seized or any portion thereof is used as equipment or paraphernalia for a gambling house and was being used for gaming purposes and that said property is useful and valuable and can be used for legal purposes, he may, in his discretion, by order of the court, declare the same confiscated, and cause the same to be delivered to the State of Texas, or to any political subdivision thereof, or to any State institution for its use and benefit, etc., and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.